

Executive Board Meeting Minutes

September 8, 2015

CALL TO ORDER

President John Webster called the meeting to order at 7:30 p.m. GOCA representatives, alternates, invited guests and members of the public introduced themselves.

Webster asked for a motion to approve the July 14, 2015 minutes as revised. The motion was seconded, and the minutes were approved unanimously.

A motion was made to approve the September 8, 2015 meeting agenda. The motion was seconded and approved unanimously.

PUBLIC COMMENTS & ANNOUNCEMENTS

Katherine Farquhar, Commissioner of Brookeville, reported that Karen Montgomery was not able to attend tonight's meeting but sends her greetings. She also welcomed Terri Hogan, writer for the just published *Greater Olney News*. She also announced a September 29th information session of the State Highway Administration (SHA) at the Longwood Center to announce the Brookeville Bypass. She said that a map of the proposed bypass would be available. Meeting information will be sent by mail to residents along with the map that shows the path the Bypass will take.

Sharon Dooley also congratulated those who worked to publish the Greater Olney News. Terri Hogan said it was a feat to publish a new newspaper in just four weeks. She said they have been sent to Olney residents by mail and noted that the look of the newspaper would probably change. She thanked everyone for their support.

Joe Corbett commented that at the July 14, 2015 GOCA meeting he was not able to speak regarding his proposed amendment to the GOCA Speed Camera Resolution until after it had been voted on and ratified. He noted that he felt this was unusual, improper, and unfair.

There were no other announcements or comments.

MONTGOMERY COUNTY COUNCIL PRESIDENT GEORGE LEVENTHAL

County Council President Leventhal said the Council had passed a budget that did not increase property taxes, but then there was a shortfall in the County budget due to the Supreme Court finding against Montgomery County in the Wynne vs. Comptroller case. This led to a shortfall of \$16 million in this fiscal year and up to a \$78 million a year shortfall in the next few years. The County then adopted a savings plan, which included \$51 million in cuts of some important Council programs including aid to some of the most vulnerable residents. He said that more budget savings have been identified by the County Council than the County Executive has sent to the Council. He said that in spite of the Council's finding budget savings of \$54 million, Isaiah Leggett, Montgomery County Executive, has announced that he will propose a very large big property tax increase in the spring of 2016. Leventhal told the

group that he is trying to understand the cost of Montgomery County government. He noted that enrollment in public schools is rising, and there is a drop in revenue due to the Wynne case decision. He wants to have a discussion about the costs of government and to understand them to see if we can't balance the budget without raising taxes.

Also discussions will take place on the use of toxic chemicals on lawns – Bill 52-14 – which opposes these chemicals, although the Bill would exempt the use of Roundup on poison ivy and other noxious weeds. He noted that lawn care companies oppose this Bill. Montgomery County has a program where natural lawn care improves the soil and over the long run costs property owners less. He hopes there will be strong support for his Bill in the County Council to support healthy environmental measures. He noted his prior successes in banning smoking in bars and restaurants as well as banning trans fats. Also calorie labeling in restaurants has been instituted in Montgomery County. So, the County has been able to act quickly and responsibly. He said that, at a three to one ratio, people writing to his office are in favor of Bill 52-14. He noted that he is aware that GOCA does not support the Bill.

He said he is appalled that the Olney community had to put up with the raw sewage from breaks in sewer lines recently. He noted that Dave Lake from the DEP and WSSC representatives were present to convey that we are terribly disturbed that Olney residents had to be inconvenienced and exposed to such a health hazard.

Questions from the Board and guests were taken.

Dave Miller asked how run-off from toxic chemicals affects water quality. Leventhal said there is no question that water quality is affected, and pesticides are among the pollutants the County and WSSC are most concerned about.

A question arose on the effect of toxic run-off on wildlife. Leventhal said that Bill 52-14 will improve water quality for wildlife

Joe Corbett told Leventhal that GOCA may be representative of the Olney area on zoning issues, but on larger issues he felt GOCA is much more conservative and not as representative of the overall Olney area. He said that GOCA is primarily made up of HOAs, which leads to a much more conservative approach. For example, GOCA opposed the Bus Rapid Transit, yet a candidate ran against the BRT. That candidate was defeated despite an overwhelming negative issue here. Corbett said that, in his opinion, GOCA does not represent the community on larger issues. Leventhal responded that his staff was present at the GOCA meeting where the pesticide bill was discussed and one of the lawn care companies present was a natural lawn care company and gained a lot of business that night. We want to encourage sustainability companies in this County to thrive. We are raising awareness of how we can support local businesses and sustainability too. Corbett asked about the time table for Bill 52-14. Leventhal said it will come before the Executive Council on September 17 and before the full County Council on October 6 and become law in 90 days if passed. The timetable in the Bill may be revised as part of the compromise necessary, so he did not want to project exactly when homeowners would not be able to use Roundup on their lawns. He is optimistic the Bill will pass.

Sharon Dooley added that we have already seen that aquatic wildlife is suffering the effects of endocrine disrupters as a result of pesticides such as Roundup. This has also been shown to be a precursor to

breast cancer. Maryland is above the national average in incidences of mortality from breast cancer. We should not be in this situation. Leventhal added that in the Bill we are only talking about uses of pesticides that are not necessary. Lawns can be attractive by using better soil aeration, higher mowing and more frequent seeding. There is no guarantee or evidence that the use of toxic chemicals on private lawns will have a good result. There are several ball fields in the County that are successfully using natural techniques now. The park system, however, is reluctant to change the current system and cites high costs if they stop using toxic chemicals. He feels his legislation is the right thing to do and is in the interest of public health. We don't need to take these risks.

Howard Greif asked about the recent sewage leak. Leventhal said that Dave Lake from EPA and representatives from WSSC are here to discuss the situation. He said he regrets Olney residents had to endure this serious health hazard. He said that WSSC is remediating the problem and will discuss it tonight after additional questions about the County Council.

A question arose on required vaccinations for Montgomery County Public Schools and whether there was any resistance with respect to religious beliefs. In Montgomery County you don't have to be vaccinated, but most people believe that children in public schools must be vaccinated. Has this question been brought to the attention of the County Council? Leventhal said that the Montgomery County Council is also the Montgomery Board of Health, and under state law the school system administers the vaccinations rules. He said that less than 1% of Montgomery County school children today have not been vaccinated. There is a program in place to vaccinate all of them. The law states that there can be a religious exception that must be documented, but the number of children who are not vaccinated for religious reasons is overstated. We have not seen any wide-spread religious resistance against vaccinations. Compliance is way above the national average. In many cases, the few who are not vaccinated is due to a scheduling problem. Religious exception has not been a major problem in Montgomery County.

Diana Littlefield asked whether there will be a program to contact residents as to what you can use to have a nice lawn if we don't use the toxic chemicals. What can we do to keep the weeds from taking over? Leventhal said the County offers a lot of information on its DEP website about pesticides and alternatives. The County is trying to expand this information to the public.

Matt Zaborsky asked about the proposed tax increases referenced earlier. Leventhal said that Isaiah Leggett has said there will be a very large tax increase in the spring of 2016. He estimates it will be between 10 and 15 cents per \$100 of assessed real estate value which averages about \$750 per year. The County Council is just beginning to discuss this, and we need to understand the major cost drivers of Montgomery County government first. We may be able to mitigate the tax increase.

A question arose on the 311 call system and how we never get a response from anyone. It's nice to call, but HOA questions are more complicated. Leventhal said that we hear from constituents on 311 and are working to make it more effective. More than 80% of calls are handled satisfactorily. Council members are available for more complicated questions. He encouraged everyone to contact their Council member with complicated questions.

Greg Intoccia said that the Economic Development Corporation appears to be good for Montgomery County and will help take it to the next level. He was concerned that there seems to be a lot of

flexibility for the County Executive on the composition of the Board and asked how we would insure the proper oversight and transparency so that the program does what it's intended to do and we avoid a potential conflict of interest. Leventhal said this has been discussed and noted that oversight would occur when the County Executive sends his recommendations for Board members to the Council. The Board should represent a wide range of business interests. Leventhal encourages open application for those who would like to serve on this Board. He said most oversight would also occur during the budget process, when deciding on renewal and funding of projects and proposals. Oversight would also occur when the contract comes up for approval periodically.

Joe Corbett asked about the bus depot for Montgomery County schools and whether the Council would move the depot. Leventhal said the Council is still talking about moving the bus depot and said he is optimistic about a new bus depot. However, he said he would not vote for discontinuing further use of the existing bus depot until a new site is chosen.

Howard Greif asked about the minimum wage bill. He noted that proposed HOA dues increases for next year on top of a proposed property tax increase and asked that the County Executive consider the impact of his proposed tax increase along with all other tax increases on residents. There is a trickle down effect to residents who are already seeing other tax increases. Leventhal noted that an increase of minimum wage to \$9.75 per hour would benefit people at the bottom end of the wage scale and would make good economic sense too.

Leventhal then asked Dave Lake, Montgomery County Department of Environmental Protection (DEP), to address the recent sewage spill at Lake Hallowell. Lake said there were three episodes/leaks related to corrosion in the sewage line. He said that WSSC did a closed circuit television inspection of the line to determine how much of the line had been damaged from hydrogen sulfide gas. Over a period of time there was a weakening of the line from air pockets that produced sulfuric acid, which corroded the line. WSSC is now working on replacing a 2000 foot length of pipe. They are looking at what standards can be put in place to prevent future occurrences. WSSC is also discussing that force mains not be made out of unlined ductile material but maybe PVC material that doesn't corrode. They are also looking at a requirement for DOC putting in dual force main pipes. To stop the leak where it occurred, they had to shut off the pump station, and the sewage started backing up into the man holes.

Lake explained that when sewage backs up into the wet well and into the man hole, you get a leak. That's what happened in this case. Both discharged into James Creek. The leak occurred upstream from James Creek and downstream from Lake Hallowell. By the third leak, WSSC had hired a contractor to minimize the flow into James Creek. So the third leak was half the volume of the first leaks. Ongoing work from DEP relates to inspections of Lake Hallowell and James Creek. WSSC is monitoring the bacterial content of the water. DEP is responsible for inspections and is monitoring eight different sites and streams. He said 30 days beyond the leak are needed to analyze data to see if water quality is falling below standards for safety. WSSC will continue to sample on a weekly basis to see if any issues need to be resolved. Things are coming back to normal. Significant rain will help flush this out. We will then compare data with standards. There has been a dramatic drop in the bacteria. Aquatic specialists are taking a look at the amphibians in the area. There are a lot of frogs, herons, and ducks.

Howard Greif said residents are looking for more input. He felt that Lake Hallowell needs to be dredged. There has been a large loss of wild-life and an increase in the amount of algae. There are

more mosquitos. Another concern is that the posted signs are only in one language. Signs in different languages are needed. Right now the lake is an unusable resource for the community.

A resident commented that she has not used her deck since the spill. There is sludge in her back yard where there used to be green pasture when she purchased her home. She said she watched as brown sewage spilled into the common area and now feels that her home is worth less than she paid for it. Her grandchildren can no longer play in the common area.

WSSC's Brandon Stewart responded and apologized to Lake Hallowell residents. He said the episode was beyond what WSSC is normally used to seeing. He said they met on site and walked the area to assess the situation. The signs now are in Spanish as well as English. They have met with residents, blocked off areas, and put down straw. He said WSSC wants to monitor the situation and work with the HOA to make a flyer of frequently asked questions and the environmental impact of the spill. So far, they have received an aquatic report. They will replace the bad pipes and schedule the work to be done. They want to be proactive on this and will try to keep impact of this to a minimum.

Greg Intoccia asked WSSC to explain what happened. He asked about the frequency of pipe failure, when equipment needs to be repaired or replaced, and whether it was out of bounds from what WSSC ordinarily expects relative to equipment corrosion and failure. He asked what WSSC has learned from this. Stewart said that WSSC does keep track of aging infrastructure. A computer system monitors when to replace equipment. This pipe break was due to increased flow which built up gas in the pipe. They learned that this was not an age related issue because the pipe was not even half its life expectancy when it failed. It was only 20 to 25 years old. The increased flow caused a build-up of gas, which corroded the pipes and caused the leaks. The proactive approach is to line the pipes before this happens. There are two phases to this approach. The first step is to get permits and hire a contractor to replace the 2000 feet of pipe before winter. The second phase is to install a high density pipe to reduce environmental impact.

Joe Corbett asked for a definition of "increased flow" and when is increased flow likely to happen. Stewart said that when the flow reduces, air pockets develop, which leads to formation of hydrogen sulfide gas, which corrodes the pipes. The capacity of the pipe is meant to accommodate the flow. "Flow" means the pressure coming through the pipe. The pipe that broke was installed in the 1990s and was not old, so WSSC is being proactive in analyzing the situation. They are dispatching crews to do video inspections. There is a lot of pipe that needs to be replaced

There was a question regarding notifying residents of emergencies regarding water main breaks. There is a WSSC notification system, which is a free system to notify consumers who sign up to receive messages/alerts regarding leaks and when it will be repaired. WSSC is trying to do this for Olney.

PEPCO TREE & VEGETATION MANAGEMENT

Jerry Pasternak, PEPCO VP Government Affairs and Public Policy, spoke to the group about PEPCO's tree management program. He said trees are responsible for 50% of power outages. Safety and reliability are major factors. He said PEPCO Incorporated Holdings (PIH) owns three utilities and serves DC, Montgomery and Prince George's counties, among other areas. PEPCO cooperates with

Arbor Day, which supports tree planting and energy conservation through tree planting. In February 2010, serious winter storms caused 250,000 residents to lose power and then in late July there were three summer storms in which 500,000 customers lost service. Complaints on reliability followed. Examination of PEPCO's reliability pointed to poor vegetation management, which was the driving factor behind PEPCO's low reliability. PEPCO was fined \$1million. The 2011 Maryland Service and Reliability Act was passed with specific reliability standards for utilities focusing on frequency and duration of outages, including vegetation management. A workgroup was formed and has met 20 times to date to draw up recommendations and standards. The group looked at different measures, made recommendations and set standards, which were adopted on May 28, 2012 mandating that all electric utilities be more aggressive in tree management, which involves pruning and removal of trees with clearance zones around power lines based on electric voltage going through power lines. The greater the voltage through the lines, the greater clearance must be maintained. PEPCO has been operating under those standards since that time.

Pasternak then explained *easements*, which give PEPCO the right to go onto private property adjacent to their power lines to prune trees that endanger the lines or to remove them even if they are on private property. Deeds and plats often do not reflect these rights to remove trees. So, if a consumer buys property next to a PEPCO *transmission corridor* with large trees bordering it, the homeowner would have no way of knowing that PEPCO has the right to cut those trees down if they endanger the transmission lines.

He then explained PEPCO's vegetation management system. The first step in planning is to hire a contractor to walk under the lines and see which trees need to be pruned or removed in order to meet the clearance requirements according to Rule Making 43 (RM 43). Every year PEPCO removes or prunes about 25% of the trees identified to be removed or pruned according to the "line clearance" standards. PEPCO must get permission to remove the tree on private property first or they cannot remove it. If you are not home, they will leave a door hanger. If they cannot get permission, they do not remove the tree. A forester looks at the plan next and coordinates with the planner. When the plan is finalized, they send it to their contractor. They use Asplundh to cut down trees after approval. PEPCO does a 100% inspection after the trees are cut down. This is state mandated, and where this work is done, there are fewer outages.

Joe Corbett said he was puzzled that the pruning rights are not in homeowners' deeds. How do we know whether we have an easement? Pasternak said it is usually 10' in front of the house, but these are not PEPCO easements, but general utility easements. Basically, you are in a PEPCO easement around a *transmission corridor* and around railroad tracks where PEPCO has easement rights.

Corbett asked why PEPCO does not bury electric lines. Pasternak said that after the 1970s, most are underground. Underground lines require right of way and room for all utilities. It is very disruptive with digging, and it affects trees roots. It is estimated to cost \$2 million per mile. Underground lines will fail at some point also. It just takes much longer to find the fault and repair it. PEPCO cannot recover its costs from underground lines; therefore, it is not a prudent use of funds.

A question arose regarding replacement trees for those cut down. Pasternak said that PEPCO will offer \$200 vouchers to homeowners from Stadler to replace trees that are cut down. Stadler will do planting also, depending on your vouchers.

He then explained PEPCO pruning standards, which mandate clearance according to the voltage of the line so that in four years it will not grow into that electric line.

OFFICERS/COMMITTEE/LIAISON REPORTS

Transportation Committee

Barbara Falcigno reported that the portion of Route 108 from Route 650 to the Howard County line is being repaved. The section of Route 108 between Muncaster and Brookeville Roads is going to be widened to accommodate the traffic there. The purpose is to reduce the blocked traffic that can't get through. The project will add an additional lane so traffic can get through, add 6 foot shoulders, and bring the drainage up to code. Utilities will get moved first, and construction will begin on the pavement next fall. The Committee continues to work with the County on the bike and walking path and will have more information next month. The plan is to connect paths in the Olney area by filling gaps in sidewalks or trails. They are working with State Senator Manno to push SHA to study the 1/4 mile of 28 just west of 97 separately from the whole corridor study of Route 198/28. They are pushing for an interchange, but it may not happen due to the price tag. No matter when the interchange is done, that section of 28 will need to be widened. They are trying to get this as a separate project.

The Committee is keeping track of the rapid transit system issue on Georgia Avenue as well as the Route 355, Route 29, and Veirs Mill Road rapid transit projects and those CACs are meeting. Meetings are open to the public. She said there was some discussion on the decision to cancel the Georgia Avenue BRT. The reason to cancel was because the County wanted to put BRT systems in where there is high development like the White Flint and Great Seneca corridors where improvements in transit need to be made before development can proceed. Since Olney won't have a big commercial build out and because there will not be big demand, the BRT proposal was scrapped. However, the need for the BRT in Olney may be reassessed in the future. Commuter survey results will be shared in October.

A question arose about the possibility and need for a cloverleaf at the ICC. Falcigno said GOCA unsuccessfully advocated for this during the design phase of the ICC.

Mid-County Citizen's Advisory Board

Greg Intoccia reported that the Board took a look at the letter that went to the County Executive. Also the Board passed a follow up letter on what it would like the Council to follow up on regarding the Economic Development Corporation to keep tabs on the County Executive and how the process is being implemented. The Board is also looking at understanding the increase in homelessness in the County, and at the next meeting they will invite someone from the County to provide insights into this.

Public Policy & Community Affairs Committee

Matt Quinn said as far as land use is concerned, the Committee is looking into the situation of the abandoned building on Hillcrest Avenue next to Rocketaria. It's not part of the Chick-Fil-A project. It's an eyesore. The Committee met with Pasternak of PEPCO prior to tonight's meeting. The Committee has had discussions on setting up a PAC specific to this region and is collecting information on this. He invited anyone interested in heading this Committee to contact him. They want to get some information on what it will take to incorporate in Olney. The biggest issue is why we would want to do this, and we don't have a good reason to do it. They will have more information to come on this.

Olney Town Center Advisory Committee

Helene Rosenheim said the committee is working to clarify and identify a location for and how to implement the Civic Center/ Town Commons. They want to clarify what the community wants in this facility. The Committee has invited stakeholders who would use or support that type of facility to get their ideas on how to implement this. They want to get a sense of what the community is looking for in that type of facility and the beginning steps in the process.

Correspondence Report

Jackie Benn reported that no new correspondence had been received.

Chamber of Commerce Report

Joe Buffington reported that the 2016 Olney Community Night will be on Monday, October 12 at Good Counsel High School.

NEW BUSINESS

There was no new business.

ADJOURNMENT

A motion was made and seconded to adjourn the meeting. All were in favor, and the meeting was adjourned at 9:50 p.m.

Respectfully submitted

Judy Broseker, Recording Secretary

In attendance:

GOCA Executive Board

John Webster, President - Manor Oaks; Greg Intoccia, Executive Vice President - Ashley Hollow; Judy Broseker, Recording Secretary - Brookeville Knolls; Jackie Benn, Corresponding Secretary - Fair Hill Farm; Kathy Curtis, Treasurer – Lake Hallowell; Barbara Falcigno, Immediate Past President - Olney Oaks

Helene Rosenheim (Highlands of Olney), Howard Greif (Lake Hallowell), Matt Zaborsky (Norbeck Meadows), Dave Miller (Norbeck Meadows), Lee Lofthus (Oatland Farm), Diana Littlefield (Olney Acres), Carolyn Knight (Olney Oaks), Jay Feinberg (Olney Oaks), Alden English (SEROCA), Bob Reel (Victoria Springs), Sharon Dooley (Village of James Creek), Ruth Laughner (Williamsburg Village), Joe Corbett (Williamsburg Village)

Invited Guests

George Leventhal, Montgomery County Council President

Jerry Pasternak, PEPCO Vice President Government Affairs & Public Policy

Dave Lake, Montgomery County Department of Environment Protection (DEP)

Brandon Stewart, WSSC Customer Advocate, Utility Services Team Office

Clayton R. Stewart, WSSC
Jason Brown, WSSC

Public

Barbara Ray (Brookeville), C. McClure (Olney), Katie Maclure (Highlands of Olney Condo), Katherine Farquhar (President, Brookeville Commissioners), Art Brodsky (Self), Nannette Bowmen (Lake Hallowell), John S. Weske (Self), Kim McCary (Self – Cherrywood), Terri Hogan (Greater Olney News), Jeff Kinker (Norbeck Grove), Tim Stemmann (Williamsburg Village), Bonnie Schneider (Olney Acres), Michael Audi (Troop 759), Steve Audi (Lake Hallowell citizen), Lisa Reichard and son Ben Reichard (Troop 264), Joe Buffington (Olney Chamber of Commerce), Michelle Ngwafan (Office of Congressman John Sarbanes)